Right to speedy trail of cases

1094. SHRI B.K. HARIPRASAD: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether article 21 of the Constitution on protection of life and personal liberty bestow and unviable right to speedy trial to citizens;

(b) whether the 85th Report on Law's delays and arrears in Courts laid in Parliament during 2002 Budget session, records more than 2,03,25,750 cases pending in district and sub-ordinate courts, 35,57,637 in High Courts and 21,995 in Apex Courts as on 31st October 2001; and

(c) if so, Government's comments thereon?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) Article 21 of the Constitution of India does not bestow such right on citizens. However, although the right to speedy trial is not specifically mentioned as a fundamental right, it is implicit in the broad sweep and content of said article.

(b) According to the 85th Report of the Department related Parliamentary Standing Committee on Home Affairs on law's Delays: Arrears in Courts, laid on the table of the Rajya Sabha in March, 2002, 2.01 crore cases had been pending in District and Subordinate Courts as on 31.8.2000, and 35,54,687 cases and 21,995 cases pending in High courts and Apex court respectively as on 31.10.2001.

(c) The observations of the Committee were forwarded to the Chief Justices of the concerned High Courts and Chief Ministers of the concerned State Governments on 25.2.2002 by the then Minister of Law and Justice for necessary action in the matter. The Government has been periodically monitoring the pendency position in courts. The steps taken for speedy disposal of pending cases, include timely filling the vacancies of judges, increasing the judge strength, grouping of cases involving common questions of law, constitution of specialized benches, organizing Lok Adalats at regular intervals, encouraging alternative modes of dispute resolution like negotiation, mediation and arbitration and setting up of special tribunals like Central Administrative Tribunals, State Administrative Tribunals, Income Tax Appellate Tribunals, Family Courts, Labour Courts and Fast Track Courts etc.